



**TO:** Planning Committee South

**BY:** Head of Development and Building Control

**DATE:** 20<sup>th</sup> July 2021

**DEVELOPMENT:** A phased development for the erection of 6no detached houses (of which up to 4no are to be self-build) with associated landscaping, drainage and access improvements to Heather Way at Angell Sandpit, Storrington

**SITE:** Angell Sand Pit, Washington Road, Storrington, West Sussex

**WARD:** Storrington

**APPLICATION:** DC/21/0057

**APPLICANT:** **Name:** MiBri Ltd **Address:** Angell Sandpit, Heather Way, Storrington

**REASON FOR INCLUSION ON THE AGENDA:** By request of the Parish Council.

More than eight persons in different households have made written representations raising material planning considerations that are inconsistent with the recommendation of the Head of Development.

**RECOMMENDATION:** To approve planning permission subject to appropriate conditions

## **1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

### **DESCRIPTION OF THE APPLICATION**

- 1.2 The proposal seeks Full Planning Permission to build a phased development of 6 detached dwellings with vehicular access taken from the privately-maintained Heather Way and spur in the south-western corner of the site, leading to a circular central driveway. The development is to comprise 4no self/ custom build properties and 2no developer-built properties.
- 1.3 The site area is some 1.64ha of land, with a slope from west to east. The developable area is stated to be some 1.2ha. The topographical survey reveals the highest land levels in the north-western area (GL 79.53) to be some 14m higher than the north-eastern corner (GL 64.31). A 20m buffer zone is to be maintained to the northern area of the site, where it abuts the SSSI. No development is to be set within this area.
- 1.4 The development is set out in the following phases:

- Phase 1 – Site wide works including levels, drainage, service infrastructure, access and internal road infrastructure, design and delivery up to slab level (including ground stability and remediation works across the site)
  - Subsequent phases to deliver the individual plots (Plots 1 to 4 to be self / custom-build dwellings, Plots 5 & 6 to be non-self-build dwellings)
- 1.5 Plots 1 and 2 are shown as two rectangular volumes linked by a central glazed circulation space. Plot 1 would appear primarily as a single-storey dwelling, but would include a lower ground floor secondary living area and cinema room, set into the sloping site. All main living areas would be at ground floor, including the 4 bedrooms and the double garage. Plot 2 would appear as a single-storey dwelling from the rear / west elevation, but would appear as a two-storey house from the front / eastern side, with the double garage and a substantial amount of living accommodation on the lower ground floor, including 2 of the 4 bedrooms. External materials to both plots are shown as concrete to the lower walls and natural horizontal timber cladding to one volume and ebony vertical cladding other volume, with a zinc standing seam roof to bone element and orange / brown clay roof tiles to the other element.
  - 1.6 Plot 3 is shown with a cranked footprint, with 2-storeys of accommodation and 4 bedrooms. Of these, 3 bedrooms and the integral double garage are set on the lower ground level with the remainder of the living space and 1 bedroom set at the ground floor. Externally, this dwelling is shown to be clad in Ebony vertical timber cladding with Grey 'smoked' face brickwork to the lower portions (GF ffl - 74.1, FF ffl - 76.8)
  - 1.7 Plot 4 is shown as an L-shaped footprint with a double integral garage and north-facing terrace at ground level, along with the primary living accommodation. All 4 bedrooms and a cinema room would be contained within the lower ground floor. Externally, the walls would be clad in natural horizontal timber cladding to the upper parts with concrete shown to the lower areas. The roof would be orange and red tiles (GF ffl - 72.6, LGF ffl - 69.9)
  - 1.8 Plots 5 and 6 both have L-shaped footprints, and are single-storey / split level. The two plots vary slightly, with Plot 5 having 3-bedrooms and Plot 5 having 2-bedrooms and a small study. They each have an integral single garage. Materials are shown as Grey 'smoked' face brickwork with red feature blend, with a lower concrete plinth. The roof would be orange / brown clay tiles and windows are shown as grey aluminium windows and doors. Grey aluminium windows and doors would match the rainwater goods, and the roof would be zinc standing seam. (Plot 5 - GF ffl - 71.77, LGF ffl - 70.72, and Plot 6 GF ffl - 72.34, LGF ffl - 71.29).
  - 1.9 A total of 24 parking spaces are proposed across the development, both surface and garage parking.
  - 1.10 Landscape details show the provision of a small community woodland within the centre of the site and butterfly / insect bunds within the site and to the plots. 7 trees are shown to be removed from the site to facilitate the works, and a number are shown for removal outside of the site boundaries. The submitted Tree Retention and Protection Plan also indicate some tree pruning works to be carried out along the access lane Heather Way, outside of the application site, but within the submitted red line.
  - 1.11 Additionally, improvements are proposed along the access route of Heather Way, including the widening of the lane along its length and visibility improvements to the eastern access point onto Washington Road. Passing places are to be provided along the lane.

## DESCRIPTION OF THE SITE

- 1.12 The application site comprises an area of sloping land that comprises a former sand quarry, set on the very eastern side of, and within the Storrington BUAB. Since operations ceased,

the land has been infilled with waste material, rendering it to be classified as a 'landfill site', and restored to a natural habitat.

- 1.13 Prior to the remediation of the former quarry, it was an open sand 'pit' which extended close to the rear of the two listed cottages on the eastern side (School and Chestnut Cottages), with the excavations of the soft sand taking place across the site to depths of some 10m below the garden level of the cottages.
- 1.14 The site is some 1.64ha in area and benefits from an existing access to the site in the south-eastern corner, off the small gated Angell Sands development, and alongside No's 3 and 4 Angell Sands.
- 1.15 A footpath runs alongside the western boundary of the site, and the eastern boundary with the adjacent dwelling High Winds, although not a designated PROW. The sloping site levels are evident along this path, with a vegetated bund rising on the application site and trees providing screening to the adjacent dwelling, which sits close to its eastern site boundary, but at a lower ground level.
- 1.16 Topographical surveys reveal a fall in land levels from the NW corner of the site of some 13.8m to the NE corner, and a fall of around 5.6m from the SW corner to the SE corner at the rear of Chestnut Cottage.
- 1.17 To the eastern side boundary, sitting at the lowest ground levels in respect of the site, are the two adjoined Grade II listed cottages (School and Chestnut / Jasmine Cottage), with their residential gardens extending along the full eastern side of the site. Low post and rail fences to these properties provide views across and into the sloping application site, affording them with a view across the restored heathland habitat that was formerly the open sand quarry.
- 1.18 Some 70m to the NW of the site are the remains of a former Corn Mill (Sullington Windmill), which existed during the 1800's until it was destroyed by fire in 1911, when Sullington Warren was open heathland, and benefitted from its elevated position. This area of Sullington Warren is now populated by trees with the heathland occupying land further to the north-west of the application site.
- 1.19 The wider area of Sullington Warren is maintained in part by the National Trust and the Sandgate Conservation Society. Large parts of the wider Sullington Warren are designated as Archaeological Notification areas, and home to Bronze Age round barrows (tumuli), which are scheduled ancient monuments. The closest of these lies some 290m NW of the application site.
- 1.20 The immediately adjoining area of Sullington Warren to the northern side of the site also forms a Site of Special Scientific Interest (SSSI) on account of its heathland habitat, both dry and wet, which is bordered by woodland.
- 1.21 The application site has been identified in the Storrington, Sullington and Washington Neighbourhood Plan as an allocated site for residential housing development (Policy 2).

## **2. INTRODUCTION**

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

- 2.2 The following policies are considered to be relevant to the assessment of this application:

## 2.3 National Planning Policy Framework

## 2.4 Horsham District Planning Framework (HDPF 2015)

- Policy 1 - Strategic Policy: Sustainable Development
- Policy 2 - Strategic Policy: Strategic Development
- Policy 3 - Strategic Policy: Development Hierarchy
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
- Policy 31 - Green Infrastructure and Biodiversity
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 34 - Cultural and Heritage Assets
- Policy 35 – Strategic Policy: Climate Change
- Policy 36 – Strategic Policy: Appropriate Energy use
- Policy 37 – Sustainable Construction
- Policy 40 - Sustainable Transport
- Policy 41 - Parking
- Policy 42 - Strategic Policy: Inclusive Communities

### Supplementary Planning Guidance:

## 2.5 West Sussex Joint Minerals Local Plan (2018) - Policy M9 - Safeguarding Minerals

## 2.5 Storrington, Sullington and Washington Neighbourhood Plan (Made Sept 2019):

- Policy 1: A Spatial Plan for the Parishes
- Policy 2: Site Allocations for Development - (iii) Land and Angell Sandpit, Storrington
- Policy 8: Countryside Protection
- Policy 14: Design
- Policy 15: Green Infrastructure and Biodiversity
- Policy 16: Local Green Spaces
- Policy 17: Traffic & Transport

### Community Aims:

- 1 – Creation of Sandgate Country Park
- 2 – Broadband and Mobile Communications
- 3 – Car Parking

## 2.6 Storrington and Sullington Parish Design Statement

### PLANNING HISTORY AND RELEVANT APPLICATIONS

## 2.7 The most recent and relevant planning history is as follows:

DC/08/0227	County Consultation – Restoration of sand quarry by landfill with inert materials	2008
DC/04/1375	County Consultation – Modification of condition 22 of planning permission SG/18/99 for maintenance of plant and machinery between 08:00am and 12:00 noon	2004
DC/04/0509	County Consultation- Modification of conditions 3, 7, 14 and 18 of SG/18/99 extending by 36 months	2004
SG/18/99	County Consultation – Restoration of sand quarry by landfill with inert materials	1999

SG/8/95	County Consultation – Restoration of sand quarry by landfill with inert materials	1995
SG/15/96	County Consultation – Restoration of sand quarry by landfill with inert materials	1996

### 3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at [www.horsham.gov.uk](http://www.horsham.gov.uk)

#### INTERNAL CONSULTATIONS

#### 3.3 **HDC Heritage Officer: Comments**

[Summarised] The level of harm will be at the lowest end of the scale of less than substantial and I could be persuaded that the public benefit of development will outweigh that harm.

- Impact on the setting of the listed buildings - increase the suburban development within the wider setting of the cottages and dilute the character of this historic heathland
- Proposed houses will not necessarily be intervisible with the listed cottages as currently indicated but need to consider the non-visual impacts that might be expected such as an increase in noise, artificial light and a perception of activity.

Disused sand quarry on historically unimproved common land. This is the historic context of the listed cottages to the east of the site fronting Water Lane. They are described as a National School in the late nineteenth century and are shown relatively isolated from the settlements of Sullington and Storrington at this time. It is possible the school was intended for the children of farm labourers and country house staff who were most likely to live nearby. The building has the appearance of a pair of dwellings and it is assumed it was used as a school when it became necessary rather than being built for that purpose. The suburban expansion of Storrington from the mid-twentieth century has continued to the fringes of the heathland that characterises the wider setting of the historic building. Despite this suburban expansion the cottages are still experienced in a rural setting; the houses to the west are not intervisible with the cottages.

#### 3.3 **HDC Environmental Health: No objection subject to conditions**

[Summarised] – The proposed development site was part of the former Angell Pit inert landfill site which comprised two sections. The southern section was developed for residential properties following an appeal in 2015 (Angell Sands). This development site occupies the northern larger and deeper part of the landfill with recorded depth of fill of at least 11m.

The principal concerns relating to this development are:

- Identified presence of asbestos contamination as free fibres, which can be addressed by way of contamination / remediation conditions
- Ground gas generation from the underlying landfill material
- Ground stability as the development site lies over a significant depth of landfill

There is concern that the matters to be remediated, and the level of technical expertise and assessment required might be beyond the individual self-builder, particularly if each plot is developed in a piecemeal fashion. In this instance, it would be beneficial for the site to be developed to slab level of each plot, with the remedial works and technical assessments taking account of the site as a cohesive whole.

Following discussions between officers and the planning agent, the development of the site up to slab level as Phase 1 would address the concern about the piecemeal development of the site as individual plots.

The suggested conditions would therefore require site-wide details to be submitted, and for this first stage to take place at the same time.

## OUTSIDE AGENCIES

### 3.4 **WSCC Highways:** Advice as proposal is accessed off a privately maintained road (Heather Way) – Conditions advised

[Summarised] – New access onto Heather Way to have an approximate width of 4.8m - sufficient width to allow two vehicles to pass one another.

- The applicant should contact the proprietor of the privately maintained road to obtain formal approval for the proposed access works.
- Provision of four passing places along Heather Way, allowing vehicles to pass one another along these lanes.
- Provision of suitable visibility splays of 2.4m x 43m in both directions at the western-most access with visibility to be improved at the eastern access point – demonstrating vis splays of 2m x 32m to the west and 2m x 51m to the east. Although not compliant with 40mph speed limit in this location, the LHA does note that the proposals present an improvement over that of the existing achievable visibility
- Accident data from the last five years reveals no recorded injury accidents attributed to existing road layout within the vicinity of the site - no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern. In addition, the LHA does not anticipate that the addition of six dwellings would give rise to a significant material intensification of movements to or from the site.
- Applicant has demonstrated to the LHA's satisfaction through swept path tracking, that a refuse vehicle can safely access and egress the site via both accesses and turn on-site.
- WSCC Car Parking Demand Calculator indicates that a development would require at least 16 car parking spaces - proposed parking provision to be suitable for this development. Residents will be able to utilise the access road to turn on-site and exit on the maintained highway in a forward gear.
- The proposed garages meet the minimum internal dimensions for garages as set out in Manual for Streets. Therefore, the LHA is satisfied that the garages can be utilised for secure and covered cycle parking. The inclusion of cycle parking helps promote the use of sustainable transport method.
- Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex and ducting provided to all remaining parking spaces as 'passive' provision for future upgrades.
- The site is situated approximately 1km east of Storrington High Street, and is within walking/cycle distance of shops, a school and other amenities and services. Cycling is a viable option in the area. Bus stops on nearby Washington Road offer hourly services to Pulborough and Burgess Hill.

### 3.5 **Ecology:** No objection

[Summarised] – Ecological Impact Statement (Lizard Landscape Design and Ecology, May 2020) has been reviewed – satisfied there is sufficient ecological information available for determination.

- Advised mitigation measures should be secured and implemented in full. CEMP: Biodiversity advised, along with a Reptile Mitigation Strategy (to include translocation details)
- HRA needed as the site is within 11km of the Mens SAC.
- Biodiversity enhancement measures to secure net gains advised

HRA Screening Record concludes that the proposal is unlikely to have a significant impact on the designated features of the Habitats sites listed and Appropriate Assessment is not required.

- 3.5 **Environment Agency:** No objection subject to conditions – relating to remediation, verification report, SUDS infiltration and piling
- 3.5 **Southern Water:** Comment - conditions advised relating to SUDS, soakaways and surface water disposal capacity
- 3.6 **WSCC Fire and Rescue:** No objection subject to condition - relating to site accessibility by firefighting vehicles and installation of a new fire hydrant
- 3.7 **South Downs National Park Authority:** Comment  
[Summarised] – The development site is located to the north of Washington Road (A283), which forms the boundary to the National Park in this location, behind a row of dwellings that face onto the main road. The site appears to be a disused sand pit that has been left for some time and is now partially overgrown with vegetation. Development would be located behind a row of pre-existing residential development although landform rises.
- Concern that the site's Ecological sensitivities have not been assessed – site likely to contribute positively to a buffer habitat.
  - Consideration needs to be given to the designated International Dark Skies Reserve which are to be protected and where new development should take a sensitive approach.

## PUBLIC CONSULTATIONS

- 3.9 To date, letters of representation have been received from 19 residential properties, and three organisations:

Letters of objection have been received from 20 nearby and neighbouring properties, as well as from the Wiggonholt Association and the Sandgate Conservation Society:

Wider comments:

- Proposed estimated value of new dwellings (estimated at £800,000) would not contribute to the housing needs of the community – development would not be CIL liable as self-build exemption would be claimed – no public benefit / not affordable housing
- NPPF advises against low density housing development where there are housing shortages
- NP Examiner concluded that the site should deliver *at least* 6 dwellings to make efficient use of land, with a local identified need to deliver less expensive 1-3 bed homes – development would not meet this demand for smaller and more affordable dwellings.
- What is self-build?
- What assurances are there that these new houses would not be built as 2-storey houses?
- Lack of infrastructure to support extra dwellings
- Bins should not be left outside nearby houses (incl Clint house) as existing rear fence has been damaged by bin lorries
- Access to the site for the restoration is suitable for construction, then it should be suitable for residents to use too
- Potential for the self-build plots to vary in design from that being proposed – there must be no variations between proposed and as-built (height, design, mass, location, materials)
- Potential difficulties in servicing the plots (gas/ water/ electric) if this is to be via Washington Road

- Site has been restored – not PDL. Although recently brought into BUAB as a minerals extraction site it has a rural land use – artificial attempt to change land use to enable housing development
- Infilled site is thought to be unstable and no Ground Stability Report has been seen
- National Principle of minerals planning and restoration have not been understood or met in the recent proposals

#### Amenity:

- Views from adjacent National Park and SSSI
- Potential release of pollutants and irritants during construction process owing to landfill site – existing issues with nearby Cemex site
- Overlooking (of Clint House) from Plot 1
- Overlooking to Highwinds (Plot 2) – removal of screening trees
- Additional footfall and traffic leading to increased overlooking from rear lane (Heather Way)
- Detrimental to quality of life for existing residents to have vehicles passing at the front and rear of their houses – increased impact to air quality – already an issue in the area
- Previous flooding of the area – adjacent soakaways struggle to cope with existing surface water, let alone increased water run-off from proposed higher development
- Potential for flooding from Plot 4 to 3 Angell Sands
- Concern that final plans would be significantly different to proposed details – including provision for 60cm ‘concrete floats’ as per Angell Sands houses – leading to considerably higher development
- Misleading reference to ‘The Lodge’ as a new residential building in curtilage of adjacent listed building – in fact a converted garage built pre-1990

#### Ecology:

- Significant loss of biodiversity – no justifiable reasons to develop
- Potential harm to the Cedar Tree at High Winds – roots of which are visible under thin layer of surface
- Soil compression from construction traffic affecting a number of mature trees which line the access track / Heather Way – damage to tree roots. Potential loss of these rare trees which also provide nesting and roosts to birds and bats
- Removal of lower limbs to this tree for allow for vehicular access / tall service vehicles
- Long-planned part of Country Park, encompassing other parts of Wealden Greensand area of Sandgate Park - restoration of the quarry (SG/18/99) envisaged the result to blend into its surroundings and provide a surface capable of supporting heathland planting with an aftercare scheme to promote heathland management compatible the adjacent SSSI – therefore site is greenfield not brownfield land
- Lowland Heath is recognised as priority habitat under UK BAP (Biodiversity Action Plan) - The landscaping proposal for the development includes chalk wildflower meadow, ornamental planting and grass lawn. This would require a considerable change to the underlying soil, such as the importation of chalk soil to replace the sandy soil to support the chalk loving wildflowers, more fertile and water retentive soil to support the ornamental planting and lawn grasses, and the likely regular use of fertilizers and herbicides to maintain the lawn, possible use of imported soil to address contaminants in soil would lead to changes to underlying flora and soil and ability to support heathland habitat
- Reference to the hard landscaping being in sympathy with local chalk paths. There are no chalk paths in the immediate vicinity as the underlying geology is Lower Greensand (Sandgate Formation).
- The Ecological Impact Report omits to state that the area is within the Bat Sustenance Zone and dismissive of the capacity of some areas of the site to support invertebrates and therefore their predators, such as bats, due to a lack of floristic diversity

- does not include tried and tested sustainability features that would promote high levels of sustainability

Access:

- Unsuitable access from Heather Way which is unmade single-width track
- In NP representation – landowners confirmed access to the site through Angell Sands – now access being denied by new landowner – access to the site was originally part of Phase 1 of Angell’s Pit development (DC/08/2359) – retaining the access would only require 20m of ‘new’ road
- Developer intends to create temporary track from Water Lane to the site, entering within 20m of boundary with Sullington Warren – details omitted from application
- Heather Way Residents Association have managed to preserve rural aspect of the lane, enforce speed restrictions and maintain road surfaces to ensure health and safety of residents and general public – proposal would destroy rural track and undo work achieved
- Council refuse collection vehicles refuse to enter the treated lane to Branscombe and Hillcote so how would development be accessed
- Proposed vehicular numbers don’t appear to take account of increasing deliveries (on-line shopping) = potential for 26 additional daily movements PLUS deliveries etc (7 x more traffic than existing)
- Recognise as a public footpath to gain access to Sullington Warren – no details included on how this pedestrian access would be protected
- Additional vehicular movements at odds with rural setting
- Additional traffic to road system / junctions – existing access from eastern end of Heather Way onto Washington Road is hazardous
- No details included on what the improvements are to Heather Way (passing places, widening = loss of verge)
- Original Angell Pit development included spur for access off Water Lane
- Existing access track leads to issues in getting service vehicles up the track to existing properties – existing bin store for High Winds and others to the east is located adjacent to Three Gates and Sullington House – would new residents have to carry their bins to the same collection point?
- Requirement for a metalled road surface if development proceeds
- Frequent conflict between vehicles and dog walkers / joggers along lane
- Financial cost of impact / degradation of the lane from the construction process – who pays?
- Existing lane serving 3 houses would be changed beyond all recognition by way of the development
- Surely suggested temporary construction route would be better?
- Impact / restrictions to access for existing residents during works

One (1) letter has been received in support of the proposal, in addition to comments in support of the design:

- Wonderful opportunity to meet the needs of the community and fulfil the councils obligations under the Custom and Self Build Act 2015 which they have woefully failed to meet since its enactment into law.
- Proposed designs well-conceived and sympathetic to the site

One (1) letter has been received from the National Trust who own and manage the adjacent heathland at Sullington Warren, expressing the following comments:

- Sullington Warren SSSI designation: “this site, which lies over Sandgate Beds and Lower Greensand, supports a range of heathland habitats including both wet and dry heath, grassland, scrub and woodland. The woodland carries a rich community of breeding birds.” (Natural England Reasons for Designating the Sullington Warren SSSI). The National Trust has a statutory obligation to “permanently protect places of natural beauty

or historic interest for the benefit of the nation". Any applications that could or would impact our land at Sullington Warren will need to consider these statutory obligations.

- Management Plan for the Buffer Zone required for assessment – need to be fenced off from dwellings to prevent access and maintain favourable conditions for reptiles and amphibians
- Provision of more open areas and acid grassland / heath within fenced-off parts
- Question whether proposed wildflower meadows and tussocks grasses is appropriate choice for the buffer zones – three native heathers would be better suited, acid grassland species and small trees and shrubs like Gorse and Rowan
- Conditions to require bat-sensitive lighting
- Potential for rare invertebrate survey
- Protective fencing to TPO
- Questions regarding whether the widening / improvements to Heather Way take place before or after commencement of development

## PARISH COUNCIL CONSULTATION

### 3.10 **Storrington & Sullington Parish Council: Objection**

- Site is allocated for development in NP – so no objections to the principle
- Propose size of the homes is not compliant to NP – demand for 2 and 3-bed houses
- Designs are not complimentary to the nearby LB or characteristics of the local area (adjacent to SSSI)
- Closeness of Plots 3 and 4 to the buffer zone is undesirable
- Need for chimneys is questioned
- Query on self-build nature on commitments to any planning conditions
- In the event of approval- construction vehicles should not be routed through AQMA

## 4. **HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS**

4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

## 5. **HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER**

5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

## 6. **PLANNING ASSESSMENTS**

### Principle of Development

6.1 It is recognised that the application site lay outside the defined built up area boundary (BUAB) prior to the Neighbourhood Plan (NP) being adopted. However, as the site was included as a potential housing allocation site in the NP, the BUAB was extended to encompass the application site when the Neighbourhood Plan was formally Made in September 2019.

6.2 In terms of HDPF policy 3, the site is now considered to lie within the BUAB, and therefore development is considered acceptable providing it is of an appropriate nature and scale to maintain the settlement characteristics.

- 6.3 HDPF policy 3, recognises that Storrington and Sullington is a 'Small Town and Larger Village' class of settlement, with a good range of services and facilities, strong community networks, local employment provision and reasonable public transport services.
- 6.4 As part of the Made Storrington, Sullington and Washington Neighbourhood Plan (SSW-NP), the site has been allocated as a potential development site under Policy 2(iii), which considers the site to be capable of providing 'a minimum of 6 dwellings'. Furthermore, the development is also expected to meet the following requirements:
- a. Deliver a mix of housing types and sizes including 2 and 3 bedroom properties;
  - b. Demonstrate that the land can safely be developed for housing, bearing in mind the site's previous use of a landfilled mineral excavation
  - c. Protect the open and green setting to the west of the grade II listed building with a buffer zone of at least 45 metres between the listed building and the development. Development to the eastern section of the site should be single storey;
  - d. Provide tree and hedgerow planting within the site to reflect the wooded character of the surrounding area;
  - e. Provide a buffer zone of at least 20 metres to the Sullington Warren Site of Special Scientific Interest (SSSI) with enhancements to nature conservation incorporated into this area; and f. Ensure sensitive positioning of the units to preserve potential views available from the South Downs National Park
- 6.5 In principle, the proposal would be in accordance with parish, local and national planning policies, which all seek to direct development first and foremost to locations within the defined built up area boundaries, such as the application site. This is subject to all other considerations as discussed below.

#### Layout, Design and Appearance

- 6.6 Being considered a suitable location for housing development in principle, the proposal must now satisfy more specific requirements such as HPDF policies 25, 32 and 33 which require developments to protect, conserve and enhance landscape and townscape character, achieve a high quality form of development that complements locally distinct character and heritage, and which relates sympathetically to the built environment.
- 6.7 The Parish Design Statement lists a range of building materials found in the local area, including slate, plain clay roof tiles, tile hanging, Horsham Stone, with steeply pitched roofs often broken by features such as dormers and chimneys. Brickwork, painted and dark stained timber boarding, plain render, flint, and stone rubble walls are also found typically.
- 6.8 At a parish level, Policy 2(iii) of the SSW-NP sets out a number of provisions which any potential development on this site should be in accordance with, including that the development delivers a mix of housing types and sizes including 2 and 3 bed properties, and accommodates a minimum of 6 dwellings. The scheme proposes a mix of 6no. self/ custom built properties and non-self-build houses, with a range in sizes including larger dwellings and the specified policy requirement for 2-bed and 3-bed houses (Plots 5 and 6).
- 6.9 It is noted, in the Examiner's report as part of the NP process, that the site's capacity to deliver a **maximum** of 6 dwellings would not be making the most efficient use of the site, especially given the aspirations of delivering 2 and 3-bed dwellings. Thus, the wording of the NP policy 2 was amended to the site being able to deliver **at least** 6 dwellings. This has been raised as part of a number of representations received in response to the application. However, the application scheme achieves 6 dwellings on the site, with these dwellings being primarily single-storey in nature and therefore using a greater area of land than a comparable 2-storey house would. The resulting low density and low profile development suits the site's complex topography and constraints.

- 6.10 Policy 2(iii)(c-e) sets specific parameters for any development in the site, including a 45m buffer zone between the eastern listed buildings and proposed development, a 20m buffer zone to the Sullington Warren SSSI to the north and tree and hedgerow planting within the site to reflect the woodland character.
- 6.11 The site layout includes the desired 20m buffer zone between the development and the northern boundary with the Sullington Warren SSSI (Plots 2, 3 and 4), as well as achieving a 45m separation between the Grade II listed building at Chestnut Cottage and the closest new dwelling at Plot 6. In terms of landscaping, the site would incorporate planted bunds to introduce wildlife habitat and use post and rail fencing with hedge and tree planting. A new central woodland area is to be created within the middle of the proposed development.
- 6.12 Sensitive positioning of the units is stipulated under Policy 2(iii)(f) in order to preserve potential views available from the South Downs National Park, where the closest boundary runs along the southern side of Washington Road, some 73m to the south of the application site. The site is visible in long-range views across the open fields to the south, from the elevated position of Sullington Manor Farm and St Mary's Church, and PROW. However, the development would be viewed in the context of the established ribbon development that runs along the northern side of Washington Road, comprising large detached houses, predominantly white rendered and therefore highly visible in the long-range views. Further intervening development of the 4 detached houses at Angell Sands has extended the ribbon development eastwards.
- 6.13 The proposed development would sit behind this established line of residential development fronting Washington Road, but would utilise the sloped site so that the dwellings are primarily single-storey in nature. Where lower ground floors exist, they respond to the site levels. Furthermore, the proposed palette of materials including the use of natural and ebony timber cladding, grey and red brick blend elevations, and a combination of red/brown, orange/brown clay tiles and zinc roofing would create a development that blends into the natural backdrop of the woodland on the hillside to the north of the site.
- 6.14 The contemporary detailing being proposed, the massing and design of the proposed development, including the stepped and 'broken' outlines achieved by creating smaller linked volumes, are considered to respond appropriately to the sloping site and the sensitive location of the site in the available long-range views. The proposed development is considered to achieve an organic solution to the site's constraints.
- 6.15 Whilst recognised that the site does not propose more than 6 dwellings, the density, layout and design being proposed would achieve a high quality form of development that responds organically to the site's constraints and topography. The proposed solution would allow the development to step down the site and remain visually settled in the hillside context. Being predominantly single-storey in nature, the proposed development would not artificially raise the development levels and so the resulting development would not have an unduly overbearing impact on adjacent neighbours. Furthermore, this low profile type of development would ensure that the resulting development is not unduly visible within the long-range views from the South Downs National Park, and sits against the hillside and woodland backdrop.
- 6.16 In terms of principle, design and layout, the proposal achieves compliance so far with the following elements of the SSW-NP policy 2(iii) in delivering a mix of house types, including the provision of 2-bed and 3-bed units (a), and, by way of the low density development and low-profile nature of the buildings, achieves a sensitive design given the potential views from the South Downs National Park (f).

### Landscaping and Biodiversity

- 6.17 The loss of green infrastructure is to be resisted in line with Policy 31 of the HDPF, unless there are new opportunities which compensates or mitigates for the loss. Chapter 15 of the NPPF also recognises the intrinsic character and beauty of the countryside and seeks to improve landscapes, biodiversity net gains.
- 6.18 It is recognised that the site is a restored former quarry with vegetation growth across the site being relatively young, given that the site was remediated after 2008. Aerial photos show much of this vegetation has become established in the last 10 years, which site visits confirm.
- 6.19 As part of the Neighbourhood Plan Examination report, the Inspector acknowledged the remediated site, with the resulting 'attractive' natural environment that had been created. However, the Inspector did not see any reason why this site could not offer the potential of being developed as a housing site, subject to all other relevant issues being addressed.
- 6.20 The proposed interaction between the site and the SSSI to the north, where a mature woodland borders the site would be protected by way of a buffer zone. It is recommended that a planning condition be imposed which prevents this area from being developed as part of the residential gardens, to retain the qualities and the function of the buffer zone. Indeed, it is recommended to attach a condition in order to require a long-term management plan for the buffer zone, in the event of approval being granted. The National Trust would like to see the inclusion of appropriate acid heathland habitat within the buffer zone, and to ensure this buffer zone is fenced off from prospective dwellings' use.
- 6.21 Furthermore, HDPF policy 31 also seeks biodiversity enhancements as part of development proposals, creating and managing new habitats where appropriate. In this instance, given the proximity to the SSSI and the Mens SAC, noting the significance for the barbastelle bat flightlines, a number of ecological enhancement have been proposed, including the creation of the fenced buffer zone, to which access is to be restricted from the residential development, reptile translocation, installation of bat, bee and bird boxes, species rich planting, hedgehog tunnels, central woodland area.
- 6.22 It is considered that the landscaping features being proposed to mitigate the visual impact of the proposed development would be beneficial to the site, the landscape characteristics, and would be in line with local and national policies. Biodiversity enhancement would also secure compensatory measures as part of the development proposals. Appropriate planning conditions would secure their implementation and specifications.
- 6.23 The proposal is therefore considered to meet two further requirements of SSW-NP policy 2(iii) in providing new tree and hedgerow planting (d), and including a 20m buffer zone to the SSSI (e).

### Amenity Impacts

- 6.24 Concerns have been raised from neighbouring properties regarding the potential overlooking to adjoining properties, including to Clint House (south) and High Winds (west), as well as the likely impact arising from the increased use of Heather Lane to access the development.
- 6.25 Plot 1 is located on the southern side of the site, with the building set some 7.5m off the site's boundary, but with an overall building-to-building distance of around 45m to Clint House. Intervening garden structures, driveway and landscape features, are noted to be present. Plot 1 would also be around 40m off the building line of 3 Angell Sands. The overall distance between building lines is considered to be such that no adverse and direct overlooking or other loss of amenity would occur to a harmful degree.

- 6.26 Plot 2 would lie to the immediate east of High Winds, with the new dwelling being some 10m from the site's boundary at the closest point, with the closest point from Plot 2 to the rear wall of the garage at High Winds being some 17m. Planning records for High Winds reveal these east-facing windows to serve bathrooms, landings and generally non-habitable rooms. It is therefore concluded that the siting and orientation between dwellings is such that no undue, adverse and direct overlooking would occur, with a good level of intervening screening currently present along the footpath corridor.
- 6.27 Of the two listed buildings along the eastern side of the plot, Chestnut Cottage includes private gardens that stretch along the boundary with the proposed Plots , 5 and 6. Of these, Plot 6 would be the closest to the most private amenity areas of Chestnut Cottage, with a building-to-building separation of some 36m. The existing boundary to Chestnut Cottage is noted to be reasonably low and open, with the proposed new dwelling set on rising ground and relatively limited intervening features. However, the off-set in building positions and distances involved are considered to be such that no adverse and direct overlooking would occur to a harmful degree.
- 6.28 It is also noted that Plot 6 would be sited at the end of the garden to No.3 Angell Sands, where the garden is defined by an open post and rail fence. The window position in the closest flank wall facing No.3 Angell Sands at a distance of 5m off the common boundary would be high level.
- 6.29 It is noted that the new dwellings would present an intensification of the use of Heather Lane, which is currently noted to serve 6 dwellings at the eastern end, and some 4 dwellings at the western end. It is also noted that the lane is private, and so any access over this lane could only be established with permission from the relevant landowner(s). The increased use of the access lane is acknowledged, but with 6 dwellings being proposed, this level of intensification is not considered to be of such a significant degree that it would lead to adverse amenity harm to the existing neighbouring residential properties upon which a refusal could be substantiated.

#### Heritage Impacts

- 6.30 Consideration has been given to the likely impact of the proposed development of what was for many years, an open sand quarry (pit) set at the rear of two Grade II listed cottages (Chestnut and School Cottage). This quarry would have had a detrimental impact on the setting of these listed buildings however nevertheless the introduction of housing on the site would be within the same setting necessitating assessment against Policy 34 of the HDPF and paragraphs 194 and 196 of the NPPF. Where harm to the setting of a listed building is identified, the Town and Country Planning (Listed Buildings and Conservation Areas) Act requires that great weigh is given to that harm in decision making.
- 6.31 It is noted that this pair of dwellings would originally have been relatively isolated from the urban area of Storrington, but that residential development now comes right up to the southern boundary of School Cottage, with a gap of some 25m between respective building lines.
- 6.32 The proposed development achieves an appropriate level of separation between respective building lines, adhering to the advised 45m buffer zone set out under SSW-NP policy 2(iii)(c).
- 6.33 The Council's senior conservation officer has assessed the proposals and considers that a level of harm would arise to the setting of the listed buildings that would sit at the lower end of the 'less than substantial' scale. In accordance with paragraph 196 of the NPPF, this harm needs to be balanced against the public benefits of the proposal. In this case, the public benefit includes the provision of residential housing on a site within the BUAB which

has been allocated for housing in the Neighbourhood Plan, and the remediation of contaminated and unstable land. This is sufficient to outweigh the 'less than substantial' harm to the setting of these listed buildings. The proposal therefore accords with paragraph 196 of the NPPF and Policy 34 of the HDPF.

#### Highways Impacts, Access and Parking

- 6.34 Policy 40 of the HDPF supports proposals which provide safe and suitable access for all vehicles, pedestrians, cyclists, horse riders, public transport and the delivery of goods, whilst Policy 41 of the HDPF requires adequate parking facilities within developments.
- 6.35 The Local Highways Authority makes reference to the proposed access being via a private lane, but considers that the available width at the access point of 4.8m is sufficient to allow two vehicles to pass one another. The proposed visibility splays to the junctions between Heather Way and Washington Road would demonstrate suitable splays at the western end, and greatly improved splays at the eastern access, following the proposed improvements.
- 6.36 Accident data reveals nothing to suggest that this existing access is operating unsafely where it adjoins the public highway, and therefore the proposed use of the existing Heather Way access points would not exacerbate an existing safety concern.
- 6.37 Furthermore, the proposal for 6 dwellings is not considered to result in a significant material intensification of movements from the site.
- 6.38 It is noted that the SSW-NP Examining Inspector's report deleted the initial policy requirement that access to the site be from Heather Way, considering that access route to be narrow, unmade and a private driveway. Whilst the Examining Inspector was satisfied that this access would be available, there was correspondence during the SSW-NP process that revealed a caveat from the relevant land owner to the effect that construction access could not be via Heather Way, and that this could be achieved to the site from the adjacent development at Angell Sands, to the south. The policy deletion was on account of the uncertainty of the access being available from Heather Way for **all** traffic, including construction, which was considered to be a matter therefore to be resolved at the planning stage. The Inspector therefore did not consider it necessary for the Neighbourhood Plan to require all access to be to and from the site from Heather Way.
- 6.39 Policy 2(iii) SSW-NP, as formally adopted, does not include any specific references to the access requirements. As such, the proposal would accord with the Neighbourhood Plan in relation to the proposed site access.
- 6.40 The reference of the proposed access off Heather Way has been raised in the public representations, with the narrowness, impact on the safety of pedestrians using the lane to access Sullington Warren, intensification of traffic movements on the rural quality of the rural lane being raised as concerns. Furthermore, a number of representations refer to a more preferable site access to be via the alternative route, assumed to be via Angell Sands to the south. As this is not part of the application, this potential alternative access route cannot be assessed and considered. However, it is noted that there remains an access spur into the site from Angell Sands, located between 2 and 3 Angell Sands, which falls under the blue line of the application indicating it is within the applicants control. Whilst this access might indeed be a shorter route to the public highway, there is also a gradient to this access acknowledged, with the private development gated at the highway. Furthermore, access along this spur would run in closer proximity to open residential boundaries than the application access along Heather Way proposes.
- 6.41 The application proposes improvements along the lane, and to the access points, where visibility splays are to be enhanced. Whilst it is recognised that the improvements stated

would be subject to separate consent from relevant land owners / management company of the private lane, what is being proposed is considered to be acceptable, including widening and passing places which would be beneficial to all users, including pedestrians.

- 6.42 In order to ensure these improvements are carried out given the shared ownership of this lane, it is recommended that they form a pre-commencement condition. This is to ensure that the development cannot proceed until the access improvements have been carried out, following relevant consent being obtained, and that the eventual development is provided with the required access improvements before any occupation. Failure to achieve this access would otherwise result in a development with no access, or an unsafe and unsuitable access.
- 6.43 A development of this nature would lead to the requirement of 16 parking spaces, according to the current WSCC Parking Calculation, which the proposed development can adequately accommodate within the site. The on-site provision as proposed, incorporating a mix of garage and surface spaces, also accords with the parking details set out under the SSW-NP Aim 2, which sets out the following off-road parking preferences:
- 2 x parking spaces per 1-3 bed house
  - 3 x parking spaces per 4-bed house.
- 6.44 The proposed quantum of development as proposed incorporates adequate parking levels within the site, and would not lead to the increased demand for on-street parking, in line with the provisions of HDPF policy 41.
- 6.45 Overall, the scheme is considered to accord with the requirements of HDPF policies 33, 40 and 41 insofar as parking levels on site, safe access for all and visually attractive areas for parking. However, appropriate conditions are advised to ensure the widening and other improvements measures along Heather Lane are implemented prior to commencement.

#### Affordable Housing and Housing Mix

- 6.46 Policy 16 of the HDPF requires new residential development to contribute 20% affordable housing, on sites under 0.5ha or less than 15 new units. However, contributions are not pursued on development of less than 10 units following para 63 of the NPPF (2019) which sets out that affordable housing should not be sought for residential developments that are not major developments.

#### Self-build / Phased development

- 6.47 The proposal is for 6 dwellings with up to 4 being self-build / custom houses, with details having been provided of all of the 4 self-builders. The provision of self-build / custom housing is not a planning or neighbourhood plan policy requirement for this site therefore it is not considered to attract appreciable weight in decision making. The CIL regulations allow for some exemptions from the levy for custom / self-build developments, subject to criteria including the completion of a self-build exemption application before the development is commenced, and then owning and occupying the property for at least 3 years after the works are completed.
- 6.48 The Self-build and Custom Housebuilding Act 2015 defines self-build / custom housebuilding to be where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals. Local Authorities must be satisfied that the initial owner of the home has had primary input into its final design and layout.
- 6.49 It has been confirmed that the 4 self-build clients at this site have had the necessary input into the design process. Plots 1 – 4 differ in design, layout and type of accommodation being

provided, reflecting client input. The two non-self-build units, Plots 5 and 6 are a matching pair, subject to slight internal differences.

- 6.50 The proposed phasing would allow each of the self-build dwellings to come forward separately with the development of Plots 5 and 6 to be developed last, as non-self-build dwellings. It is suggested that the phasing of the site forms a pre-commencement condition, providing a timetable of works across the site to include the access improvements and ground works, as well as the phased development of the individual units. Phase 1 of the works would include the access track improvements followed by the ground works within the site before any works to the individual plots can commence. The phasing plan would also allow for future CIL exemption to be applied for.

### Climate Change

- 6.51 Policies 35, 36 and 37 of the HDPF require that development mitigates the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change.
- 6.52 The proposed development includes the following measures to build resilience to climate change and reduce carbon emissions:
- Fabric First approach
  - Dedicated refuse and recycling storage capacity
  - Opportunities for biodiversity gain within the landscape
  - SUDS principles
  - Cycle parking facilities
  - Low water use fittings
  - Energy efficient boilers
  - Orientation and layout to benefit from solar gain and natural ventilation
- 6.53 In addition to these measures conditions are attached to secure the following:
- Water consumption limited to 110litres per person per day
  - Details of solar panels to each dwelling
  - Provision of EV charge points in accordance with the advised levels
- 6.54 Subject to these conditions the application would suitably reduce the impact of the development on climate change in accordance with local and national policy.

### Other Matters

- 6.55 In terms of the location of the site within a former restored sand quarry, this in itself is not considered to present a bar to potential development, subject to appropriate technical reports and solutions being used in response to the potential ground contamination and stability issues.
- 6.56 There have been extensive discussions between Officers, specialist officers and the applicant's planning agent in order to better understand the particular issues involved in development of this site, particularly with regard to contamination and ground stability. These discussions have yielded the submission of further details and a number of specific conditions to address the issues. As a result, the conditions recommended in the event of approval being granted are appropriate and would require the submission of the information at the most fitting stages of the development.

- 6.57 Furthermore, following previous surface water flooding having resulted in land drains and Swales having been installed as part of the land restoration works, a condition would also be required to secure appropriate surface water drainage methods.

### Conclusions

- 6.58 The application site is allocated for at least 6 dwellings in the Storrington, Sullington and Washington Neighbourhood Plan. It is acknowledged that the proposed development occupies a site that has only recently been infilled and remediated from its former long-term use as a sand quarry, and is now considered to present ecological and biodiversity benefits given its proximity to a National Trust SSSI. However, the proposal acknowledges these remediations and the proximity of the site to the adjacent SSSI and the priority heathland habitat, and includes measures to offset the potential impact, such as the buffer zone.
- 6.59 The scale and nature of the development itself has taken account of the sloping site levels and the transition between the established line of residential development that runs along Washington Road and the woodland and heathland backdrop, as well as the intervisibility between the site and the South Downs National Park. The design, massing and proposed external materials would sit comfortably on and respond to the rising site levels without undue harm to long-range views.
- 6.60 Furthermore, the scale, density and design of the proposed development, whilst it would be visible in the outlook of a number of the existing neighbouring properties, has been designed to avoid undue harm and impact, with further mitigation measures by way of landscaping being proposed.
- 6.61 Whilst the site appears to present some levels of complexity in terms of its development, it is considered that these are capable of being addressed by way of appropriate details via condition.
- 6.62 The principle of development on this site has been accepted by way of the allocation of the site for residential use within the SSW-NP. The proposal is considered to meet the aims of the SSW-NP policy 2(iii) in delivering a mix of house types, including 2-bed and 3-bed units (a), is subject to conditions to require detailed information to demonstrate that the development can be carried out safely (b), incorporates the 45m buffer zone to the listed buildings (c), provides new tree and hedgerow planting (d), includes a 20m buffer zone to the SSSI (e), and, by way of the low density development and low-profile nature of the buildings, achieves a sensitive design given the potential views from the South Downs National Park (f).
- 6.63 The proposal therefore meets the criteria set out under SSW-NP policy 2(iii), and lies within the BUAB as extended following the adoption of the SSW-NP, in full accordance with the strategic aims of the policies within the HDPF.
- 6.64 The application is therefore recommended for approval, subject appropriate planning conditions.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.57 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> October 2017.

**It is considered that this development constitutes CIL liable development.** At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	1696.9	0	1696.9
		<b>Total Gain</b>	1696.9
		<b>Total Demolition</b>	<b>0</b>

6.58 Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

6.59 In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

## 7. RECOMMENDATIONS

7.1 It is recommended that the application is approved, subject to the following conditions:

1 Plans list

2 **Standard Time Condition:** The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3 **Pre-Commencement Condition:** Notwithstanding the submitted phasing plan, no development shall take place, including any ground works within the site, until a detailed phasing plan has been submitted to, and approved in writing by, the Local Planning Authority. The phasing shall include, but not be limited to, access works and implementation, ground remediation and stability, development up to slab level and subsequent individual plot development. The development shall be completed in accordance with the approved details.

Reason: To ensure the development is carried out in such a way that provides safe and suitable access and takes account of the former use as a landfill site in ensuring that ground stability and remediation works are carried out cohesively across the site, and to comply with Policies 32, 38 and 40 of the Horsham District Planning Framework (2015) and paragraph 170 of the National Planning Policy Framework.

4 **Pre-Commencement Condition:** No development shall take place, including any ground works within the site, until the access improvement works along Heather Way have been agreed with the relevant land owner(s) and completed in accordance with the submitted and approved Transport Report [Ref 7053/2.3 dated July 2020]. The works shall provide adequate access for firefighting vehicles and equipment to reach the site in accordance with BS5588 Part B 5 and Part B of the Building Regulations.

Reason: To ensure that there is adequate provision made for securing a safe and accessible access route to the development site in accordance with Policies 32 and 40 of the Horsham District Planning Framework (2015).

5 **Pre-Commencement Condition:** No development shall take place, including any ground works, until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.

- i. An introduction consisting of a description of the construction programme, definitions and abbreviations and project description and location;

- ii. Details of how residents will be advised of site management contact details and responsibilities;
- iii. Detailed site logistics arrangements (to include details shown on a plan), including location of site compounds, location for the loading and unloading of plant and materials, site offices (including height and scale), and storage of plant and materials (including any stripped topsoil);
- iv. Details regarding parking or site operatives and visitors, deliveries, and storage (to include details shown on a plan);
- v. The method of access to and from the construction site;
- vi. The arrangements for public consultation and liaison prior to and during the demolition and construction works – newsletters, fliers etc;
- vii. Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination;
- viii. Locations and details for the provision of wheel washing facilities and dust suppression facilities (to include details shown on a plan).

The approved details shall be adhered to throughout the construction period.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 6 Pre-Commencement Condition:** No development, other than ground investigation and remediation works, shall commence until precise details (to include details shown on a plan) of the proposed slab levels, and existing and proposed external ground levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 7 Pre-Commencement Condition:** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until the following preliminaries have been completed in the sequence set out below:

- All trees on the site shown for retention on approved drawing numbers [LLD1280-ARB-DWG-001 rev 01 and LLD1280-ARB-DWG-002 rev 00, Sheet 01 and Sheet 02], as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
- Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
- Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 8 Pre-Commencement Condition:** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until fencing to establish and protect the 20m buffer zone to the adjacent SSSI has been erected in accordance with the approved drawing numbers [LLD1280-ARB-DWG-002 rev 00 Sheet 01, and 6545 100 rev P5]. Once in place, this fencing shall be maintained throughout the development phases across the site.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of a significant feature of nature conservation in accordance with Policies 31 and 33 of the Horsham District Planning Framework (2015).

- 9 Pre-Commencement Condition:** No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the local planning authority. The Reptile Mitigation Strategy shall include the following;
- a) Purpose and conservation objectives for the proposed works.
  - b) Review of site potential and constraints.
  - c) Detailed design(s) and/or working method(s) to achieve stated objectives.
  - d) Extent and location/area of proposed works on appropriate scale maps and plans.
  - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
  - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
  - g) Persons responsible for implementing the works.
  - h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
  - i) Details for monitoring and remedial measures.
  - j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 10 Pre-Commencement Condition:** No development shall take place until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following;
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of “biodiversity protection zones”.
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.

i) Containment, control and removal of any Invasive non-native species present on site  
The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

**11 Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. As part of the details, no drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: Given the previous use of the land as a landfill this condition is required to ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants, and to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015) and paragraph 170 of the National Planning Policy Framework.

**12 Pre-Commencement Condition:** No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the entire development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

- (1) A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) – (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.
- (2) An intrusive site investigation scheme, based on (1) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
- (3) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (2) and an options appraisal.
- (4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The scheme shall be implemented as approved. Any changes to these components require the consent of the local planning authority.

Reason: The proposed development is on a historic landfill and therefore it is likely that contamination will be present. Remediation and/or mitigation measures are likely to be required to protect mobilising contamination during construction works which risk causing pollution to controlled waters. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development

works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015) and in line with paragraph 170 of the National Planning Policy Framework.

**13 Pre-Commencement Condition** No development shall take place until a scheme to deal with the risks from ground instability at the site to the proposed development has been submitted to and approved in writing by the local planning authority. The scheme shall be prepared by a competent and suitably experienced engineer and must include the following components:

- i) a detailed assessment of the risk to all phases of the development that may be affected, including any risks to offsite receptors.
- ii) An options appraisal of the potential impacts and the remedies that might be available including estimated cost
- iii) full details of the measures required to prevent ground instability and how they are to be undertaken;
- iv) Demonstration of how cumulative and reasonable worse case effects have been considered;
- vi) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in iii) are complete and identifying any requirements for longer-term monitoring, maintenance and arrangements for contingency action.

All work shall be supervised the engineer in accordance with the mechanisms and procedures specified in the approved verification plan and a comprehensive non- technical summary document of the assessments provided and information submitted against (i) to (vi) of this condition. The scheme shall be implemented in accordance with the approved details and mitigation measures, and they shall be permanently retained and maintained in working order for the duration of the use and their operation.

Reason: Given the previous use of the land as a landfill this condition is required to ensure that the development can be carried out in a way that does not lead to adverse ground instability and to comply with Policy 24 of the Horsham District Planning Framework (2015) and paragraph 179 of the National Planning Policy Framework.

**14 Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any plot of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, roofs and skylights of the approved building has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

**15 Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until one fire hydrant (to BS 750 standards) or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) has been installed in a suitable location to the satisfaction of West Sussex County Council's Fire and Rescue Services. The fire hydrant or stored water supply shall be connected to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting and shall be retained and maintained as such thereafter.

Reason: In the interests of amenity and in accordance with Policies 33 and 39 of the HDPF and in accordance with The F&RS Act 2004

**16 Pre-Occupation Condition:** Prior to the first occupation of any dwelling hereby permitted, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details, with a minimum suggested girth size of 20 - 25cm
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments and fencing, including means to permanently enclose the Buffer Zone and prevent access / inclusion of this area into residential curtilages

The approved communal landscaping elements shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any dwelling hereby permitted. Landscape elements within residential curtilages shall be implemented in accordance with the approved details within the first planting season following the first occupation of the delivered dwelling on the relevant plot. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

**17 Pre-Occupation Condition:** Prior to the occupation of any dwelling hereby permitted, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures, including the creation of the Buffer Zone;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The Strategy shall be implemented in accordance with the approved details relative to the relevant phase of the development and shall be retained in that manner thereafter. The measures pursuant to each phase shall be implemented prior to first occupation of any dwelling within that phase and shall be retained as such thereafter.

Reason: As these matters are fundamental to enhance the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

**18 Pre-Occupation Condition:** Prior to the first occupation of the development hereby permitted, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important

routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme and approved phasing plan for the development. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority

Reason: As these matters are fundamental to enhance the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 19 Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a long-term landscape management and maintenance plan (including long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility and fencing / means of demarcation for the Buffer Zone) for all communal landscape areas and for the Buffer Zone, has been submitted to and approved in writing by the Local Planning Authority. The landscape areas shall thereafter be managed and maintained in accordance with the approved details.

Reason: To ensure a satisfactory development and in the interests of visual amenity and nature conservation in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 20 Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015) and in line with paragraph 170 of the National Planning Policy Framework.

- 21 Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied until provision for the storage of refuse and recycling has been provided within the garage or side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of refuse and recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 22 Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied until the car parking spaces (including garages where applicable), turning and access facilities necessary to serve it have been constructed and made available for use in accordance with approved drawing numbers [6545 100 rev P5, 6545 101 rev P2, 6545 103 rev P2, 6545 105 rev P2, 6545 107 rev P2, 6545 109 rev P4 and 6545 109-01 rev P1]. The car parking spaces permitted shall thereafter be retained as such for their designated use.

Reason: To provide car-parking space for the use in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 23 Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied until the cycle parking facilities serving it have been provided within the garage or side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 24 Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied until a fast charge electric vehicle charging point for that dwelling has been installed. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector. The means for charging electric vehicles shall be thereafter retained as such.

Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).

- 25 Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabytes per second through full fibre broadband connection has been provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 26 Regulatory Condition:** The development hereby permitted shall be carried out in accordance with all mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Statement (Lizard Landscape Design and Ecology, May 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 27 Regulatory Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any

pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015) and in line with paragraph 170 of the National Planning Policy Framework.

- 28 Regulatory Condition:** No piling and or other penetrative methods shall be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: As this development is on a historic landfill there is the potential that any piling activities could mobilise any contamination and risk impacting controlled waters. If the landfill is lined then piling also risks penetrating the liner and so the landfill design should also be considered in the piling risk assessment. To ensure that any proposed piling or other deep foundation does not harm groundwater in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015) and in line with paragraph 170 of the National Planning Policy Framework.

- 29 Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order no development falling within Classes A, AA, B and E of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and due the historic, ecological and environmental sensitivities of the site in accordance with Policies 24, 25, 33 and 34 of the Horsham District Planning Framework (2015).

- 30 Regulatory Condition:** The dwelling(s) hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

Reason: To limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 31 Regulatory Condition:** The garage(s) hereby permitted shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety, and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 32 Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 33 Regulatory Condition:** No soils shall be imported or re-used within the development site until the developer has submitted details of the chemical testing and assessment of the soils which demonstrates the suitability of the soils for the proposed use. The assessment

shall be undertaken by a suitably qualified and competent person and full details shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).